

California Regional Water Quality Control Board
Santa Ana Region

April 26, 2002

STAFF REPORT

ITEM: 10

SUBJECT:

Resolution No R8-2002-0045, Adopting the April 2002 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List

DISCUSSION:

There are a number of abandoned or recalcitrant underground storage tank sites within the Region. These sites are a threat to human health and/or the environment. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency or prompt corrective action to protect human health or the environment. The State Water Resources Control Board (SWRCB) has directed the Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by the Regional Water Board or the local UST agency to initiate corrective actions, but have not begun the requested corrective actions. A resolution adopting the Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the SWRCB. The SWRCB is able to enter into contracts to provide funds to local agencies and Regional Water Quality Control Boards to perform corrective actions at such abandoned or recalcitrant sites. The SWRCB will pursue activities seeking reimbursement of those funds from the past and current owners of the subject property, including placing a lien against the subject property.

The April 2002 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List is attached (Attachment "A"). The list includes 11 sites and the total requested funding for the cleanup of these sites is \$2.8 million (this amount represents the expected expenditures for FY 2002-03).

RECOMMENDATION:

Adopt Resolution No. R8-2002-0045, as presented.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2002-0045

Adopting the April 2002 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List

Whereas, the California Regional Water Quality Control Board (RWQCB), Santa Ana Region (hereinafter Board) finds that:

1. Chapter 6.75 of the California Health and Safety Code authorizes underground storage tank (UST) cleanup funds to be provided to Regional Water Quality Control Boards and local UST agencies for direct cleanup of petroleum-contaminated UST sites requiring emergency response or corrective action to protect human health or the environment; and
2. The State Water Resources Control Board has directed the Regional Water Quality Control Boards to submit a Priority List of UST sites which threaten human health or the environment and which have been ordered by the Regional Water Board or the local UST agency to initiate corrective actions, but have not begun the requested corrective actions; and
3. A resolution adopting the Regional Water Quality Control Board's Priority List for the Emergency, Abandoned and Recalcitrant Fund must be submitted annually to the State Water Resources Control Board.

THEREFORE, BE IT RESOLVED that the California Regional Water Quality Control Board, Santa Ana Region,

Adopts the attached April 2002 Santa Ana Regional Water Quality Control Board Emergency, Abandoned and Recalcitrant Site Priority List (Attachment "A") and forwards it to the State Water Resources Control Board.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 26, 2002.

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"
(RESOLUTION NO. R8-220-0045)

Santa Ana Regional Water Quality Control Board
Emergency, Abandoned, and Recalcitrant Site Priority List
April 2002

Site	Lead Agency Contact	Pollution	Enforcement Compliance and Status	Proposed Abatement	Funding Requested
Former Circle K 5990 Limonite Avenue Pedley Riverside County	Carl Bernhardt SARWQCB	Gasoline affected soil and groundwater, No analysis for MTBE	Circle K filed bankruptcy in 1991 and responsibility to investigate and remediate the site reverted to property owner. Two USTs were removed in 1993. Current property owner is non-responsive to requests to conduct further work. The site was placed on the 2001-2002 EAR Account Fund lists. The Department of General Services (DGS) is currently contracting out to begin work at the site.	The groundwater monitoring wells have not been sampled for several years and the extent of groundwater contamination was never defined. Additional monitoring is needed to assess the extent of groundwater contamination and to evaluate the appropriate remedial measures.	\$250,000

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<p>Singletary Site 1115 W. Cadena Avenue Riverside Riverside County</p>	<p>Carl Bernhardt SARWQCB</p>	<p>Gasoline affected Soil and groundwater, MTBE detected</p>	<p>In April 1997, Mr. Singletary acquired the site and, in May 1997, removed four gasoline USTs and one waste oil tank. Approximately 780 cu. yards of gasoline-affected soil was removed and transported off-site. The results of confirmatory soil sampling and the installation of two groundwater monitoring wells indicated that the residual soil and groundwater were contaminated from on-site releases of gasoline constituents, including MTBE. In March 1999, The Cleanup Fund denied reimbursement for corrective action costs due to the previous operator's history of non-compliance and Mr. Singletary's purchase of the property in an "as is" discounted condition. Mr. Singletary appealed to the State Board claiming denial of funding of additional cleanup costs would result in filing for bankruptcy. In April 2001, a settlement was reached with the SWRCB to fund corrective action costs of up to \$500,000 from the EAR Account. The site was placed on the 2001-2002 EAR Account Fund list. The DGS is currently contracting out to begin work at the site.</p>	<p>Additional groundwater monitoring wells are necessary to define the extent of the groundwater contamination and to evaluate the necessary remedial actions including the implementation of interim groundwater remedial actions.</p>	<p>\$350,000</p>
<p>Caliber Investment Property 3270 W. Lincoln Avenue Anaheim Orange County</p>	<p>Richard Wilson City of Anaheim Public Utilities</p>	<p>Gasoline affected Soil and groundwater, MTBE detected</p>	<p>The site was operated as a Target brand service station, which was closed in 1996. The USTs were removed in May 1999. The results of subsequent soil and groundwater investigations indicated significantly elevated concentrations of gasoline constituents including MTBE. The present property owner claims they do not have the financial capability to continue investigation and remediation at the site. The site owner's application was denied because of Target's past history of non-compliance. The site owner has become recalcitrant. Anaheim Public Utilities is currently contracting out to begin work at the site.</p>	<p>Additional groundwater monitoring wells are necessary to define the extent of the groundwater contamination and to evaluate the necessary remedial actions including the implementation of interim groundwater remedial actions.</p>	<p>\$250,000</p>

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Bloomington Texaco 18509 Valley Blvd. Bloomington San Bernardino County	San Bernardino County Fire Dept.	Unknown visible diesel or gasoline affected soil	Owner claims that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. There are currently liens on the property.	The five USTs need to be removed and nature and extent of the petroleum hydrocarbon fuel-affected soil needs to be assessed.	\$28,000
Rich Mart 16501 Merrill Fontana San Bernardino County	San Bernardino County Fire Dept.	Unknown visible gasoline- affected soil and odors	Owner had filed for bankruptcy and claim that they do not have the financial capability to remove the tanks and to conduct the necessary investigation and remediation of the site. Finance Company has taken over the property.	The two USTs need to be removed and nature and extent of the gasoline-affected soil needs to be assessed.	\$15,300
Fast Fuel #920 1315 E. 4 th Street Ontario San Bernardino County	San Bernardino County Fire Dept.	Gasoline- affected soil, MTBE Detected	The site was operated as a Target brand service station owned by Gary Lazar. In May 1995, the results of a subsurface investigation identified gasoline-contaminated soil at the site. The site was purchased by Mr. Zahran Akroush. In October 1996, the results of a subsurface investigation identified soil contamination to a depth of 70 feet. On October 25, 1996, San Bernardino County Fire Dept (County Fire) required additional assessment. Mr. Zahran did not respond to the letter and his current address is unknown. On May 19, 1997, County Fire filed a Notice of Pendency. The USTs have been abandoned and the station is shut down.	The USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$45,000
Bill Young's Mini Mart 1005 Redlands Blvd. Redlands San Bernardino County	San Bernardino County Fire Dept.	Unknown extent of petroleum hydrocarbon fuel-affected soil	Mr. Young acquired the subject property in July 1997. In November 1998, the property owners were notified that the USTs were not in compliance with the UST upgrade requirements. The owner notified County Fire that they did not have the financial resources to replace or upgrade the USTs. In October 1999, County Fire issued a settlement agreement. The owner did not reply. In November 2000, County Fire issued a NOV for failure to obtain UST permits, upgrade or replace the USTs, and the unlawful abandonment/closure of the USTs. All violations remain outstanding.	The four USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$20,300

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Former P&M Station #976 1087 Mt. Vernon Avenue San Bernardino San Bernardino County	San Bernardino County Fire Dept.	Soil visually stained Unknown extent of petroleum hydrocarbon fuel-affected soil.	Mr. Kamal Shalash acquired the property in 1995 and transferred ownership to Ibrahim Jaghemeh in December 1997. County fire issued NOVs on April 13, 1998, September 13, 2000, and October 13, 2000, for the failure to obtain permits, failure to report change in ownership, and unlawful abandonment/closure of the USTs. There was no response to the NOVs and the current address of the RPs is unavailable.	The three USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$15,300
Abandoned Station 1074 Carbon Canyon Chino Hills San Bernardino County	San Bernardino County Fire Dept.	Soil visually stained and petroleum odors detected. Unknown extent of petroleum hydrocarbon fuel-affected soil.	The service station was abandoned prior to 1993. The past owner/operators are unresponsive.	The two USTs need to be removed and vertical and lateral extent of the gasoline-affected soil needs to be assessed.	\$15,300
Abandoned Property 7607 Tippecanoe Highland San Bernardino County	San Bernardino County Fire Dept.	No visual contamination, but facility was never properly assessed. Potential for groundwater contamination due to shallow groundwater.	Mr. Lazar acquired the property in 1988. The property was abandoned sometime in 1994. NOVs were sent to the property owners in 1994, 1998, and 2000 for the abandonment of the USTs. In January 2001, County Fire issued a Notice for Lien for Non-Compliance. The notice was sent on January 22, 2001 and March 28, 2001. The notice was returned to County Fire and the owners were non-responsive.	The four USTs need to be removed and vertical and lateral extent of the gasoline-affected soil as well as potential impacts to the underlying groundwater needs to be assessed.	\$20,300

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Abandoned Tank-Residence 7853 Lankershim Drive Highland San Bernardino County	San Bernardino County Fire Dept.	Strong petroleum odors were detected on side of private residence.	Mr. Sanchez and Ms. Castro purchased the property in April 1998. Strong petroleum odor detected on side of house resulted in the discovery of an abandoned UST. On June 8, 2001, a NOV was issued notifying the property owners that the UST was unlawfully abandoned and must be removed. The owners state that they do not have the financial resources to remove the UST or conduct any investigation or remediation of any affected soil.	The UST needs to be removed and vertical and lateral extent of the petroleum hydrocarbon fuel-affected soil needs to be assessed. The USTs poses potential health risks to residence occupants, including children.	\$5,300
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